

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No.: 3:20-cv-00502-ART-CSD

SAID ELMAJZOUN,
Plaintiff

Order

v.

HAROLD WICKHAM, et al.,
Defendants

The court screened Plaintiff's second amended complaint (SAC) and allowed him to proceed with First and Fourth Amendment claims based on allegations that defendant Ordonez interfered with his legal mail on September 3, 2018. (ECF Nos. 7, 8.) The court initially referred this case to the court's inmate early mediation program. The Office of the Attorney General (OAG) filed a notice indicating it could not enter a limited appearance for Ordonez for purposes of participating in the inmate early mediation program because Ordonez, a former Nevada Department of Corrections (NDOC) employee, had not agreed to having the OAG represent him. (ECF No. 9.) As such, the OAG filed Ordonez's last known address under seal. (ECF 10.)

The court directed the OAG to provide the court with a declaration detailing its attempts to contact Ordonez, inform him of this action, and ask if he would like the OAG to represent him in this matter. (ECF No. 13.) (ECF No. 13.) The OAG filed a notice on October 8, 2021, stating that a letter was mailed to Ordonez at his last known address, requesting that he contact the OAG if he consents to representation. The letter was returned as undeliverable, but with a forwarding address, on October 5, 2021. That same day, the OAG re-sent the letter to the forwarding address. As of October 8, 2021, Ordonez had not contacted the OAG. (ECF No. 15.)

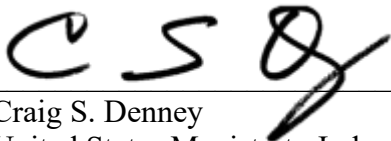
1 The court withdrew the referral to the inmate early mediation program, and the court
2 ordered the Clerk to issue a summons for Ordonez for the U.S. Marshal to serve Ordonez with
3 the summons and complaint. (ECF No. 16.) The summons was issued on October 18, 2021.
4 (ECF No. 17.) On October 28, 2021, the OAG filed Plaintiff's last known address (presumably
5 the forwarding address discussed in the OAG's notice) under seal. (ECF No. 19.) The court had
6 the Clerk issue another summons for service by the U.S. Marshal at the new address filed under
7 seal. (ECF No. 20.) The summons was issued on October 29, 2021, and the executed return was
8 filed on January 20, 2022, indicating Ordonez was served on November 11, 2021. (ECF No. 22.)

9 On May 17, 2022, Plaintiff filed a motion requesting the entry of clerk's default as to
10 Ordonez as that defendant had not filed an answer or otherwise appeared after being served with
11 the complaint. (ECF No. 26.)

12 On or before **June 8, 2022**, the OAG shall file a notice indicating whether it has had any
13 contact from Ordonez after sending the letter regarding representation on October 5, 2021.

14 **IT IS SO ORDERED.**

15 Dated: June 1, 2022

16 
17 Craig S. Denney
18 United States Magistrate Judge
19
20
21
22
23